



FEE TRANSMITTAL [MAIL STOP AMENDMENT]		Complete If Known						
		Application No.		09/987,976				
		Filing Date		November 16, 2001				
		First Named Inventor		J. Donald Hill et al.				
		Examiner Name		Thomas C. Barrett				
		Group Art Unit		3738				
Total Amount Of Payment (\$)		98.00		Attorney Docket No.		018880.0120		
METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)				
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to Deposit Account No. 02-0375 in the name of Baker Botts L.L.P.				3. ADDITIONAL FEES				
<input type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-0375 .				Fee Description				Fee Paid
				<input type="checkbox"/> Surcharge - late filing fee or oath				\$
				<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet				\$
				<input checked="" type="checkbox"/> Extension for reply with 1 month				\$ 55.00
				<input type="checkbox"/> Notice of Appeal				\$
				<input type="checkbox"/> Filing Brief in Support of Appeal				\$
				<input type="checkbox"/> Request for Oral Hearing				\$
				<input type="checkbox"/> Utility Issue Fee (or reissue)				\$
				<input type="checkbox"/> Design Issue Fee				\$
				<input type="checkbox"/> Plant Issue Fee				\$
				<input type="checkbox"/> Petitions to Commissioner				\$
				<input type="checkbox"/> Petition to Revive (unavoidable)				\$
				<input type="checkbox"/> Petition to Revive (unintentional)				\$
				<input type="checkbox"/> Petitions Related to Provisional Applications				\$
				<input type="checkbox"/> Submission of Information Disclosure Statement				\$
				<input type="checkbox"/> Filing Submission After Final Rejection				\$
				<input type="checkbox"/> Recording Each Patent Assignment Per Property				\$
				<input type="checkbox"/> Filing Request for Reexamination				\$
				<input type="checkbox"/> Other (specify) Advanced Patent Copies				\$
2. <input checked="" type="checkbox"/> Check Enclosed. The Commissioner is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to Deposit Account No. 02-0375 in the name of Baker Botts L.L.P., The Warner, Suite 1300, 1299 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2400.								
FEE CALCULATION								
1. BASIC FILING FEE <input type="checkbox"/> Large Entity <input checked="" type="checkbox"/> Small Entity								
								Fee Paid
Utility Filing Fee								\$
Design Filing Fee								\$
Plant Filing Fee								\$
Reissue Filing Fee								\$
Provisional Filing Fee								\$
2. EXTRA CLAIMS FEES								
CLAIMS AS AMENDED								
For	Number Present	Highest Number Paid For	Extra	Rate		Amount		
				Large Entity	Small Entity			
TOTAL CLAIMS		34		x \$ 18.00	x \$ 9.00	\$0.00		
INDEPENDENT CLAIMS		5	1	x \$ 86.00	x \$ 43.00	\$43.00		
MULTIPLE DEPENDENT CLAIMS				\$ 260.00	\$ 130.00	\$0.00		
TOTAL EXTRA CLAIMS FEES						\$43.00		
SUBMITTED BY				Complete (if applicable)				
Typed or Printed Name		James B. Alpin		Registration No.		48,340		
Signature		Date		07/19/04		Deposit Account User ID	02-0375	

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3738 #4
PATENT
Attorney Docket No. 018880.0120

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
)
J. Donald HILL et al.) Group Art Unit: 3738
)
Application Number: 09/987,976) Examiner: Thomas C. BARRETT
)
Filed: November 16, 2001) **Confirmation No. 7910**
)
For: AUTOMATIC SUTURE FIXATION)
APPARATUS AND METHOD FOR)
MINIMALLY INVASIVE CARDIAC)
SURGERY)

REQUEST FOR ONE-MONTH EXTENSION OF TIME TO RESPOND AND RESPONSIVE
AMENDMENT UNDER 37 C.F.R. § 1.111

Commissioner for Patents
MAIL STOP AMENDMENT
U.S. Patent and Trademark Office
Washington, D.C. 20231

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Sir:

In response to the Office Action (Paper #11), mailed March 18, 2004, please amend the above-captioned patent application as follows:

Request for One-Month Extension of Time to Respond begins on page 2 of this paper.

Amendments to the Abstract begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Request for Reconsideration begins on page 12 of this paper.

Remarks/Conclusion begin on page 13 of this paper.

07/20/2004 JBALINAN 00000080 09987976

01 FC:2251 55.00 OP

07/20/2004 JBALINAN 00000080 09987976

02 FC:2201 43.00 OP

Request for Reconsideration:

In response to the Office Action's objections to the Declaration, Applicants are enclosing a replacement Declaration which the inventor, who included a non-initialed and undated alteration on his previous declaration, has executed. The original declaration was executed in parts and only this single, replacement Declaration is required in response to the objection. Applicants are canceling claims 5 and 41, without prejudice, and are rewriting claims 42 and 43 in independent form to include the limitations of their base claim, claim 41. Applicants also are amending claims 1, 12, and 19 to clarify the description of the claimed invention. Further, in response to the Office Action's indefiniteness rejections, Applicants are amending: (1) claim 15 to remove references to materials identified by trademarks,¹ (2) claims 17 and 18 to correct their dependency and thereby supply proper antecedent basis for all of their elements, and (3) claims 9, 10, 16, 17, 22, and 23 to describe elements of these claims in proper means-plus-function form. No new matter is introduced by these amendments, and the amendments are fully supported by the disclosure.

As a result of the foregoing amendments, claims 1-4, 6-40, 42, and 43 are pending in this application. Claims 3, 4, 6-8, 14, 21, 25-40, and 42 have been withdrawn from consideration as directed to an unelected group or species. Claims 1, 2, 9-13, 15-20, 22-24, and 43 are under consideration in this application. Moreover, as set forth in Applicants' Response to Restriction Requirement filed December 10, 2003, claims 1, 2, and 43 are generic to all of the species identified in Group I, and claims 9-13 and 15-20 are generic to at least Species I-IV of Group I. Applicants are enclosing a check including the amount of \$43 for the requisite small entity fee (Fee Code 2201) for entry of new independent claim 43. Nevertheless, in the event of any variance between the fees determined by Applicants and those determined by the PTO, please charge any such variance to the undersigned's Deposit Account No. 02-0375.

¹ Applicants have capitalized all trademarks in this application, and each trademark is accompanied by appropriate generic terminology. See Office Action, Page 3, Lines 9-11.